IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 2417 of 2005

Between:

Komati Janakiramaiah s/o Venkatraju

Aged about 55 years, Occ: Agricultural

Labourer r/o Chelluru Shivaru Village,

Kistammacheruvu, Rayavaram Mandal,

East Godavari District.

..... PETITIONER

AND

1. The Panchayath Secretary, Challur Vilage,

Rayavaram Mandal, East Godavari District.

2. The Mandal Revenue Officer, Rayavaram Mandal,

East Godavari District.

3. The Revenue Divisional Offier, Kakinada Division,

East Godavari District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or orders more particularly one in the nature of writ of Mandamus declare the vide Lr.No.152/03 dated 17.04.2004 is absolutely illegal, arbitrary and violation of principles of natural justice and consequentially direct the respondent No.2 to conduct a detailed enquiry by giving an opportunity to the petitioner and if the house construction of the petitioner falls under Survey No.67 the respondent shall grant permission for the construction of the house in S.No. 67 admeasuring 0.02 acres situated at Challuru village Krishnammacheruvu Shivaru, Rayavaram (M)East Godavari District.

Counsel for the Petitioner: MR.V.RAGHUNATH

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

This Writ Petition is filed aggrieved by the alleged action of the first respondent in not granting permission to the petitioner for construction of a house in the land situated in Sy.No.67 of Challur Village as well as the orders of the 2nd respondent dated 17-04-2004 holding that the land in which the petitioner was constructing a house situated in Survey No.67 has been classified as poramboke in fair adangal.

The petitioner does not dispute the fact that the land in question is classified as poramboke, but he states that he is in occupation of the said land for the past so many years and even a patta has been granted in his favour.

As can be seen from the impugned order, it is only a letter addressed by the 2nd respondent - Mandal Revenue Officer directing the first respondent to take appropriate proceedings, in view of the fact that the land in question is classified as poramboke. Since admittedly no steps have yet been initiated by the first respondent

on the basis of the said letter, the writ petition is premature and no declaration as sought, can be granted at this stage.

In the circumstances, while leaving it open to the respondents to take appropriate proceedings in accordance with law, it is made clear that the possession of the petitioner in respect of the land in question shall not be interfered with without following due process of law.

The Writ petition is disposed of with the above directions. No costs.

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14-02-2004

Note: cc tomorrow

B/o

kvrm

To

1. The Panchayath Secretary, Challur Vilage,

Rayavaram Mandal, East Godavari District.

2. The Mandal Revenue Officer, Rayavaram Mandal,

East Godavari District.

3. The Revenue Divisional Offier, Kakinada Division,

East Godavari District.

4. 2 CCs to GP for Revenue, High Court of A.P., Hyderabd OUT)

5. 2 CD copies.